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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION N
10/657,650	09/08/2003	Larry J. Pacey	47079-00134USPT	2836
30223	7590	11/03/2004		
JENKENS & GILCHRIST, P.C. 225 WEST WASHINGTON SUITE 2600 CHICAGO, IL 60606				
			EXAMINER MENDOZA, ROBERT J	
			ART UNIT 3713	PAPER NUMBER

DATE MAILED: 11/03/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

SW

Office Action Summary

Application No.

10/657,650

Applicant(s)

PACEY ET AL.

Examiner

Robert J Mendoza

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 July 2004.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 08 September 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>12/29/03; 7/9/04</u> | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-22 are rejected under 35 U.S.C. 102(b) as being anticipated by Khosla (USPN 6,080,063).

Regarding claims 1, 8, 15 and 22, Khosla, in FIGS. 1-6, col. 1:64-67, col. 2:1-5, col. 2:28-67, col. 3:33-67, col. 5:1-17 and col. 6:1-33, discloses a gaming machine comprising a system memory containing physical object data and simulation rule data; a display, a central processor for processing said physical object data and said simulation rule data to produce a realistic depiction of gaming activity on said display. Khosla, in FIGS. 1-6, col. 1:64-67, col. 2:1-5, col. 2:28-67, col. 3:33-67, col. 5:1-17 and col. 6:1-67, discloses accessing physical object data; accessing simulation rule data; mathematically modeling game actions of one or more physical objects within a simulation world using said physical object data and said simulation rule data, and displaying a visual depiction of said game actions. Khosla, in FIGS. 1-6, col. 1:64-67, col. 2:1-5, col. 2:28-67, col. 3:33-67, col. 5:1-17 and col. 6:1-67, discloses simultaneously simulating and displaying in real time an interaction of simulated physical objects using a representation of three-dimensional forms, and determining an outcome of said interaction. Khosla discloses the live event as an automobile race, sailboat race, motorcycle race, skiing, bobsledding, aerial combat, gambling, lotteries and board games (col. 3:52-57). It is inherent for a gambling

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environment to have players make wagers on gaming or sporting activities, and to award prizes of monetary value to those players that achieve winning results.

Regarding claims 2, 3, 9-11, 16 and 17, Kholsa, in FIGS. 1-6, col. 4:33-67, col. 5:1-17, col. 5:48-67, col. 6:1-67 and col. 7:61-67, discloses a 3D processor interacting with said central processor to facilitate the production of said real-world gaming activity on said display. Kholsa, in FIGS. 1-6, col. 4:33-67, col. 5:1-17, col. 5:48-67, col. 6:1-67, col. 7:47-67 and col. 8:1-15, discloses physical object data includes data relating to the mass and dimensions of at least one simulated object. Kholsa, in FIGS. 1-6, col. 6:1-67, col. 7:47-67 and col. 8:1-67, discloses accessing motion capture data and using said motion capture data while displaying said visual depiction and mathematically modeling game actions includes mathematically modeling sports actions. Kholsa, in FIGS. 1-6, col. 6:1-67, col. 7:47-67, col. 8:1-67 and col. 9:1-25, discloses mathematically modeling game actions comprises applying said simulation rule data to said physical object data to result in a realistic mathematical model of real-world physical object interactions. Kholsa, in FIGS. 1-6, col. 6:1-67, col. 7:47-67, col. 8:1-67 and col. 9:1-25, discloses simultaneously simulating and displaying an interaction of physical objects comprises using simulation rule data to determine an interaction of simulated physical objects modeled using physical object data. Kholsa, in FIGS. 1-6, col. 6:1-67, col. 7:40-67, col. 8:1-67 and col. 9:1-25, discloses comparing said outcome of said interaction to a set of predefined outcomes to determination of whether said outcome meets winning criteria.

Regarding claims 4-6 and 12-14, Kholsa, in FIGS. 1-6, col. 4:33-67, col. 5:1-17, col. 5:48-67, col. 6:1-67, col. 7:61-67, col. 8:1-67 and col. 9:1-25, discloses said simulation rule data includes data relating to a simulated gaming world and data relating to rules for interaction

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between said physical object data and said simulated gaming world data, and said gaming machine is adapted to display three-dimensional simulations of gaming activities. Kholosa, in FIGS. 1-6, col. 4:33-67, col. 5:1-17, col. 5:48-67, col. 6:1-67, col. 7:61-67, col. 8:1-67 and col. 9:1-25, discloses said processor is adapted to firstly use said physical object data and said simulation rule data to mathematically model said gaming activity and to secondly enable the display of said realistic depiction on said display.

Regarding claims 7 and 18-21, Kholosa, in FIGS. 1-6, col. 3:51-67, col. 4:33-67, col. 5:1-17, col. 5:48-67, col. 6:1-67, col. 7:61-67, col. 8:1-67 and col. 9:1-25, discloses simultaneously simulating and displaying said interaction comprises implementing a physics engine with a combination of a central processing unit and a 3D processor, and simultaneously simulating and displaying said interaction comprises simulating and displaying a casino-style game selected from the group consisting of roulette, craps, slots, cards, and wheel of fortune. Kholosa, in FIGS. 1-6, col. 3:51-67, col. 4:33-67, col. 5:1-17, col. 5:48-67, col. 6:1-67, col. 7:61-67, col. 8:1-67 and col. 9:1-25, discloses simultaneously simulating and displaying said interaction comprises simulating and displaying a sports game, and said sports game is selected from the group consisting of baseball, basketball, soccer, hockey, football, bowling, and racing.

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Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to R. Mendoza whose telephone number is (703) 305-7345. The examiner can normally be reached on Monday-Friday from 8:00am to 5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the primary examiner, John Hotaling, can be reached at (703) 305-0780. The USPTO official fax number is (703) 872-9306.

RM

RM
October 19, 2004



XUAN M. THAI
PRIMARY EXAMINER

TC3700